

Message Text

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SUBJECT: COURT FINDS ENQUIRY COMMISSION ACTIONS UNCONSTITUTIONAL

1. QUEBEC COURT OF APPEAL YESTERDAY CLOSED DOWN THE QUEBEC COMMISSION OF ENQUIRY INTO ILLEGAL ACTS OF THE POLICE AND THE RCMP IN QUEBEC. IT FOUND THAT COMMISSIONER KEABLE HAD OVERSTEPPED HIS AUTHORITY IN SEEKING INFORMATION ON RCMP ACTIVITIES SOLELY WITHIN FEDERAL JURISDICTION AND IN MAKING PUBLIC CERTAIN HIGHLY CLASSIFIED DOCUMENTS IN DEFIANCE OF THE OFFICIAL SECRETS ACT.

2. COURT REAFFIRMED RIGHT OF COMMISSION TO PROBE WRONGDOING BY POLICE IN QUEBEC WHILE DENYING RIGHT TO PRY INTO INTERNAL RCMP FUNCTIONS. COURT RULED THAT SUPERIOR COURT SHOULD HAVE ISSUED THE WRIT OF EVOCATION SOUGHT EARLIER BY FEDERAL GOVERNMENT. TWO OF THE THREE JUDGES AGREED THAT COMMISSION ACTIVITIES SHOULD BE SUSPENDED BUT THE THIRD FELT ONLY PARTIAL SUSPENSION SHOULD BE IMPOSED.

3. QUEBEC MINISTER OF JUSTICE, MARC-ANDRE BEDARD, IMMEDIATELY ANNOUNCED THAT HE WOULD APPEAL THE MATTER TO THE SUPREME COURT OF CANADA.

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4. FORMER FEDERAL SOLICITOR-GENERAL FRANCIS FOX HAS BEEN STONEWALLING KEABLE COMMISSION FOR SEVERAL MONTHS BY COURT ACTIONS DESIGNED TO PRECLUDE SUBMISSION OF CERTAIN REQUESTED DOCUMENTS AND CALLS TO TESTIFY. HE HAS MAINTAINED, NOW (AT LEAST FOR THE MOMENT) SUCCESSFULLY, THAT THE INTERNAL PROCEDURES OF THE RCMP ARE A FEDERAL MATTER OVER WHICH THE COMMISSION HAD

NO JURISDICTION. HIS SUCCESSOR, JEAN-JACQUES BLAIS, HAS
RETAINED THE SAME STANCE.

5. COMMENT: EFFECT IN QUEBEC (ASIDE FROM GOVERNMENT CIRCLES)
DIFFICULT TO ASSESS AT THIS TIME. IT UNLIKELY AVERAGE CITIZEN
WILL TAKE IT AS ONE MORE INSTANCE OF FEDERALISTS STEPPING ON
PROVINCIAL TOES ACCORDING TWO KNOWLEDGEABLE FRIENDS (LISE BACON
AND MICHEL ROY, EDITOR OF LE DEVOIR) BUT A NUMBER MAY WELL
WONDER WHETHER IT IS A COVER-UP FOR THE RCMP -- A POINT SUGGESTED
IN TODAY'S MONTREAL STAR EDITORIAL. MOST VIEWS ARE BEING WITH-
HELD PENDING ANALYSIS OF IMPORT OF DECISION.
HARPER

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